
Sec. 36-300. Application for permit for special uses.

The town council may approve permits for special uses in the zoning districts where such special uses are specified by this article. Applications for permits under article IX of this chapter, pertaining to planned unit development, shall also be processed under the procedures of this article. The town council may impose such reasonable and appropriate conditions and safeguards upon these special use permits as to ensure that the spirit and intent of this article is preserved.

- (1) Written application for a special use permit shall be submitted to the planning board no later than 30 days prior to the planning board meeting at which the plan is to be reviewed. Such written application shall indicate the section of this article under which a permit is being sought, and shall contain the information required by the appropriate section and such other information as may be required, to ensure compliance with this article.
- (2) a. The written application shall include a list of the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected by the special use application. The list shall be supplied by the applicant and shall be current according to the most recent tax listing abstract as filed in the office of the county tax supervisor. The town council shall hold a public hearing and shall give written notice, including the date and time of a public hearing at which the application will be considered, to the owners as contained in said listing. Notice shall be sent by certified mail to the last address of such owners as appears on the list supplied by the applicant. Notice shall be given at least ten days in advance of such public hearing by a legal advertisement placed in a newspaper having general circulation in the county. Notice of these hearings shall be posted on the property concerned for at least ten days prior to the public hearing.
 - b. The planning board shall review the application for a special use permit and shall submit its recommendation as to approval or disapproval along with such conditions as it may deem necessary to the town council.
- (3) In instances where a property owner seeks to obtain a vested right, pursuant to section 36-304, a public hearing shall be held by the town council. The town council shall give written notice by certified mail including the date and time of the public hearing to the owner of the property or his agent for which the vested right is sought. Notice shall be given at least ten days in advance of such public hearing by a legal advertisement placed in a newspaper having general circulation in the county. Notice of these hearings shall be posted on the property concerned for at least ten days prior to the public hearing.
- (4) Any party may appear in person, or by agent or attorney.

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- (5) Before they may grant any special use permit or vested right, the town council shall make affirmative findings that:
- a. The applicant has met the requirements of the applicable provisions of the town chapter pertaining to zoning, subdivision chapter, and all other applicable ordinances.
 - b. That the use as proposed will conform with the town's land use plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the chapter and additionally required by the town council as authorized by the chapter.
 - c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
 - d. That the use as proposed will not overburden the town volunteer fire department fire-fighting capabilities and the county water supply capacity to the town, as said facilities and capabilities will exist on the completion date of the special use for which the application is made.
- (6) In granting any special use permit, the town council may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this article and punishable under article XI of this chapter. Upon final approval of a site plan by the town council, the building inspector, upon proper application, shall issue a building permit within 180 days from the date of such approval, provided that all other requirements are met. If a building permit is not applied for and issued within 180 days from the date of final approval of the site plan, the site plan expires and the applicant must submit a new site plan, conforming to the then current provisions of the zoning chapter and all other applicable ordinances, for review by the planning board and town council and pay the applicable fees. If any of the conditions of approval or any part of them should be held invalid or void, the entire permit shall be void immediately.

(Code 1988, § 11-10.05; Ord. No. 04-03-01, art. II, § 2, 6-1-2004; Ord. No. 2022-08-01 , art. III, pt. I, 8-2-2022)